

# DAILY READING FILE

## Pennsylvania Fish & Boat Commission

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Bureau of Fisheries  
450 Robinson Lane  
Bellefonte, PA 16823  
814-359-5177  
November 4, 2010

OFFICE OF THE  
EXECUTIVE SECRETARIAT

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RECEIVED

The Honorable Lisa P. Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Docket ID No. EPA-R03-OW-2010-0736

Dear Administrator Jackson:

The Pennsylvania Fish and Boat Commission (PFBC) has reviewed the United States Environmental Protection Agency's (EPA) response to the Pennsylvania Draft Phase 1 Chesapeake Bay Watershed Implementation Plan (WIP) and EPA's recently published Draft Chesapeake Bay TMDL. These comments are the PFBC's official response to Docket ID No. EPA-R03-OW-2010-0736.

The PFBC has legal jurisdiction over fish, reptiles, amphibians and aquatic organisms in Pennsylvania. We also have authority to enforce portions of the Pennsylvania Code that pertain to pollution and disturbances to the waters of the Commonwealth. The PFBC is a conservation agency that has a strong interest in working with EPA, DEP, and other resource agencies to ensure that Pennsylvania's waterways are maintained and protected to support healthy aquatic communities. We have a heightened interest in reducing excess nutrients entering our waterways due to recent events regarding Susquehanna River water quality. Since 2005, there have been repeated outbreaks of disease in young-of-year smallmouth bass in the Susquehanna River and some of its major tributaries. These die-offs have led to weak year classes and have negatively impacted the smallmouth bass fishery. The working hypothesis is that high nutrient loading in combination with low river flows, high summer water temperatures, and increased algal growth have created reduced dissolved oxygen conditions, particularly in near-shore areas that serve as the primary habitat for young-of-year smallmouth bass. We believe that these stressful conditions may be leading these fish to succumb to bacterial infections. The PFBC has partnered with the Pennsylvania Department of Environmental Protection (DEP), U.S. Geological Survey, the Susquehanna River Basin Commission and others to study this issue. While this is still being investigated, it underscores the importance of addressing nutrient loading to the Susquehanna River and ultimately the Chesapeake Bay. Therefore, we fully support, in concept, EPA's and DEP's desire to implement measures to reduce and limit nutrient loading to the Bay.

The PFBC is somewhat unique as a resource agency in that we also have been listed by the DEP as one of 30 significant Pennsylvania industrial dischargers to the Susquehanna River Basin

### Our Mission:

[www.fishandboat.com](http://www.fishandboat.com)

*To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.*



and thus the Chesapeake Bay. We operate seven State Fish Hatcheries (SFH) that discharge to the Susquehanna Basin. These facilities are predominately trout hatcheries, and they provide a majority of the 3.2 million trout that are stocked annually for recreational fishing in Pennsylvania. These stockings create significant direct and indirect economic benefits to many communities in Pennsylvania and contribute to the state's tax base. Even when other sectors of the economy slow down during economic downturns, recreational fishing typically continues to attract participants and produces much needed financial dividends. Our hatchery facilities produce tangible recreational, social and economic benefits to Pennsylvanians.

Over the past five years, we have upgraded five of the seven SFH's in the Susquehanna Basin by adding microscreen filtration systems at costs of between \$1.5 and \$3.0 million per facility to reduce loading of total suspended solids. New microscreen effluent filtration systems are now in operation at the Bellefonte, Benner Spring, Huntsdale, Pleasant Gap, and Tylersville SFH's. Each of these facilities has reduced total suspended solids loading from 60-72% compared to discharges before the systems were installed. These expenditures are reflective of our commitment to reduce impacts to the waters we discharge to within the Susquehanna River Basin. The PFBC has also been engaged with DEP for several years regarding our hatchery facilities and the newly proposed limits for nitrogen and phosphorus loading. We have provided DEP with approximately three year's worth of effluent nutrient data from the SFH's. DEP has set preliminary draft phosphorus and nitrogen loading limits for our hatchery facilities. We expect to reach a final agreement on these limits in the very near future which will hold us to the status quo and also allow us time to find ways to further reduce our nutrient releases.

EPA has determined that Pennsylvania's WIP is deficient in proving that the draft pollution reduction plans adequately address the nutrient loading allocation limits. Because of these deficiencies, EPA has now imposed federal backstop measures into the draft TMDL that unfairly target point source discharges to meet the desired nutrient loading limits. These newly created loading limits assigned for our SFH's are not attainable. For example, DEP set a draft nitrogen load of 110,347 lbs/year at the Benner Spring SFH. EPA's draft TMDL requires a reduction of the nitrogen load at this hatchery by 63% to 40,866 lbs/year. For phosphorus, DEP provided us with a draft limit of 2,285 lbs/year which EPA now proposes to reduce by 88% to 284 lbs/year. If these proposed limits were made law, the PFBC would be forced to terminate our trout-rearing program within the Susquehanna River watershed.

Upon reading EPA's comments through the WIP critique, it is obvious that EPA believes that DEP has not provided sufficient information and acceptable planning to address non-point sources such as agriculture and stormwater runoff. DEP has stated in previous meetings that 86% of Pennsylvania's nutrients that enter the Chesapeake Bay come from non-point sources. That means that only 14% of the Susquehanna River's nutrient loading can be addressed through management of point source loading management. Point source discharges, such as the PFBC hatcheries, are easy to identify and quantify; thus they have become targets of opportunity to reduce loading while the non-point sources, which are more difficult to quantify and control, are receiving much less scrutiny. The PFBC supports reducing nutrient loading; however, the magnitude of reduction in EPA's proposed backstop measures make it appear as though Pennsylvania's TMDL budget can be achieved from reducing the nutrient loading from 30 dischargers. We disagree with this approach.



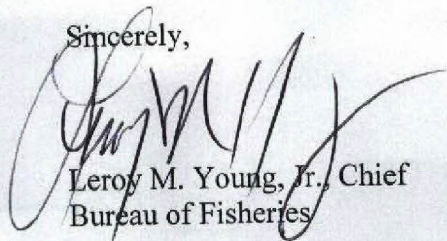
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The PFBC is greatly concerned with EPA's proposed backstop measures and we recommend that EPA reconsider a more equitable approach to attain nutrient loading goals. We believe that EPA should continue to meet with DEP and the other Bay jurisdictions to work out a long-term plan that equitably distributes nutrient management responsibility around the Chesapeake Bay Watershed. We favor an approach which sets limits at the current level of discharges so that nutrient loading is contained and then seeks to phase-in reductions over a stepped down process in time to meet the 2025 goals. Likewise, loading limits should be weighted so that both point and non-point contributors proportionately share in the burden of cleaning up the Bay. To do otherwise will unduly favor one industry or community over another. The low hanging fruit has always been the point source discharges. We strongly believe that it is past time to put the same effort into getting non-point discharges under control.

We commend both EPA and DEP for undertaking this huge but very important task. We support clean water for the fish, the Chesapeake Bay, and our citizens; however, we also favor approaches that fairly spread the responsibility to all of the parties that contribute nutrients to the Bay. Thank you for providing us the opportunity to provide comments towards the development of an effective Chesapeake Bay TMDL strategy.

Sincerely,



Leroy M. Young, Jr., Chief  
Bureau of Fisheries

c: PFBC - Arway, Wisner, Shiels, Spotts, Rokavec  
DEP - Hines, Hawley, McDonnell, Wetherell



**PENNSYLVANIA FISH & BOAT COMMISSION**  
Division of Environmental Services  
450 Robinson Lane  
Belleville, PA 16823-9620

The Honorable Lisa P. Jackson, Administrator  
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Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460



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